

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD DUFFIN,

Plaintiff,

Civil Action No.
08-CV-10419

vs.

HON. BERNARD A. FRIEDMAN

WASHTENAW SHERIFF
DEPARTMENT,

Defendant.

_____ /

**OPINION AND ORDER ACCEPTING AND ADOPTING
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

This matter is presently before the court on defendant’s motion to dismiss [docket entry 10]. Plaintiff has not responded. Magistrate Judge Mona K. Majzoub has submitted a report and recommendation in which she recommends that the motion be granted. Neither party has filed objections.

Having reviewed the complaint and defendant’s motion to dismiss, the court concludes that the magistrate judge has correctly analyzed the relevant legal issues. As the magistrate judge notes, dismissal of the complaint is required in this case because the only named defendant, Washtenaw Sheriff Department, is not a legal entity capable of being sued. Even if a sheriff’s department were such an entity, the complaint makes no allegations against the sheriff’s department. Rather, plaintiff alleges that he was denied medical care by unnamed “Washtenaw County Jail Health care service unit personnel.” Accordingly,

IT IS ORDERED that Magistrate Judge Majzoub’s report and recommendation is

hereby accepted and adopted as the findings and conclusions of the court.

IT IS FURTHER ORDERED that defendant's motion is granted and the complaint is dismissed.

s/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: June 12, 2008

Detroit, Michigan

I hereby certify that a copy of the foregoing document was served upon counsel of record by electronic and/or first-class mail.

Edward Duffin, 73554
101 E. Huron Street, Room B25
P.O. Box 8645
Ann Arbor, MI 48107-8645

s/Carol Mullins
Case Manager to Chief Judge Friedman